

### **Amendments to the Claims:**

The listing of claims will replace all prior versions and listings of claims in the application:

### **Listing of Claims:**

Claim 1 (Original) A dry confectionery premix for preparing an aerated confectionery product which premix comprises:

- (i) a carbon dioxide generating composition comprising an acid and a carbonate; and
- (ii) a stabiliser;

such that when the premix is mixed with water to give a final solids content of at least about 20 wt%, an aerated confectionery product is formed, in the absence of mechanical aeration, having an overrun of at least about 30% and a pH of greater than about 5.4.

Claim 2 (Original) A premix according to claim 1 wherein the carbonate is selected from a metal carbonate and a metal bicarbonate and mixtures thereof.

Claim 3 (Currently Amended) A premix according to claim 1 ~~or claim 2~~ wherein the acid is a food grade organic acid.

Claim 4 (Previously Presented) A premix according to claim 3 wherein the food grade organic acid is selected from ascorbic acid, lactic acid, succinic acid, tartaric acid and mixtures thereof.

Claim 5 (Currently Amended) A premix according to ~~any one of the preceding claims~~ claim 1 wherein the acid is selected from a monoprotic acid and a diprotic acid.

Claim 6 (Currently Amended) A premix according to ~~any one of the preceding claims~~ claim 1 wherein the molar ratio of the amount of acid to carbonate present in the carbon dioxide generating composition is from about 1:2 to about 2:1.

Claim 7 (Currently Amended) A premix according to ~~any one of the preceding claims~~claim 1 wherein the carbonate is present in an amount of from about 0.5 wt% to about 3 wt% of the premix.

Claim 8 (Currently Amended) A premix according to ~~any one of the preceding claims~~claim 1 wherein the aerated confectionery product formed in the absence of mechanical aeration, has an overrun of at least about 70%.

Claim 9 (Currently Amended) A premix according to ~~any one of the preceding claims~~claim 1 wherein the stabiliser is selected from gums, agar, alginates and derivatives thereof, gelatin, pectin, lecithin, sodium carboxymethylcellulose, carrageenan, furcelleran and mixtures thereof.

Claim 10 (Currently Amended) A premix according to ~~any one of the preceding claims~~claim 1 which is particulate.

Claim 11 (Currently Amended) A premix according to ~~any one of the preceding claims~~claim 1 wherein the confectionery product is a chilled or frozen confectionery product.

Claim 12 (Previously Presented) A premix according to claim 11 wherein the frozen confectionery product is ice cream.

Claim 13 (Currently Amended) Use of a premix according to ~~any one of the preceding claims~~claim 1 in a method of preparing a confectionery product having a solids content of at least about 20 wt%, an overrun of at least about 30% and a pH of greater than about 5.4.

Claim 14 (Currently Amended) A method of preparing a confectionery product which method comprises admixing a premix according to ~~any one of claims 1 to 11~~claim 1 with an aqueous liquid to give a final solids content of at least about 20 wt% to form an aerated confectionery product which, in the absence of mechanical aeration, has an overrun of at least about 30% and a pH of greater than about 5.4.

Claim 15 (Previously Presented) A method according to claim 14 wherein the aerated confectionery product has, in the absence of mechanical aeration, an overrun of at least about 70%.

Claim 16 (Currently Amended) A method according to claim 14 ~~or claim 15~~ which further comprises chilling the confectionery product to a temperature of below about 6°C.

Claim 17 (Currently Amended) A method according to claim 14 ~~or claim 15~~ which further comprises freezing the confectionery product to a temperature of below about -6°C.

Claim 18 (Previously Presented) A method according to claim 17 wherein the confectionery product is ice cream.

Claim 19 (Previously Presented) An ice cream obtained by the method of claim 18.

Claim 20 (Previously Presented) An ice cream obtainable by the method of claim 18.